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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,573	08/26/2003	Mohan Kalkunte	14221US02	4096

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EXAMINER

DAIFUAR, SAKET K

ART UNIT	PAPER NUMBER
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2151

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/648,573	KALKUNTE ET AL.	
	Examiner	Art Unit	
	Saket K. Daftuar	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/26/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/22/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are presented for the examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 03/22/2006 has missing numeric character '0'. The examiner has corrected the publication number US – 2002/107971 to US-2002/0107971. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 11, and 21 recites the limitation "determine at least one function associated with said at least one received packet". It is not clear what "function" applicant is referring. There is insufficient antecedent basis for this limitation in the claim.

Claims 2, 12, and 22 recites the limitation "association between a particular characteristic of said packet and a particular function". It is not clear

what "particular function" and "particular characteristic" applicant is referring.

There is insufficient antecedent basis for this limitation in the claim.

Claims 2-10 and 12-20 and 22-30 depend on claims 1, 11, and 21, respectively. Therefore, there is insufficient antecedent basis for the same limitation in the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Garnett et al. U.S. Patent Number 7,032,037 B2 (hereinafter Garnett).

As per claim 1, Garnett discloses a method for processing data in a server, the method comprising: receiving at least one [data packet] packet (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13); determining at least one function [load balancing] associated with said at least one received packet (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13); and steering [forwarding or transmitting

outgoing packet] said at least one received packet to at least one of a plurality of blade servers that handles said determined function (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13).

As per claim 2, Garnett discloses the method according to claim 1, further comprising generating at least one association between a particular characteristic of said packet and a particular function associated with said at least one packet (see column 32, line 55 – column 33, line 44).

As per claim 3, Garnett discloses the method according to claim 2, wherein said particular characteristic is at least one of a packet type [data packet itself is one packet type], a packet field and a flag (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13).

As per claim 4, Garnett discloses the method according to claim 2, further comprising assigning [data packet arrives on load balancer decides which server to which the packet is to be forwarded and packet is forwarded to the selected server as assigning at least one of said plurality of blade servers for handling said particular function] at least one of said plurality of blade servers for handling said particular function (see column 32, line 55 – column 33, line 44).

As per claim 5, Garnett discloses the method according to claim 1, further comprising determining which of said plurality of blade servers handles said determined at least one function associated with said at least one received packet (see column 32, line 55 – column 33, line 44).

As per claim 6, Garnett discloses the method according to claim 1, further comprising processing said steered [routing load balanced packets] at least one received packet by said at least one of a plurality of blade servers that handles said determined function (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13).

As per claim 7, Garnett discloses the method according to claim 1, further comprising assigning a default blade server for handling said at least one received packet (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13).

As per claim 8, Garnett discloses the method according to claim 7, further comprising steering said at least one packet to said default blade server if at least one of: said at least one received packet is unrecognized (see column 32, line 55 – column 33, line 44 and column 34, lines 15-40); and said at least one received packet contains a particular data (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13).

As per claim 9, Garnett discloses the method according to claim 1, further comprising controlling steering of said at least one packet by at least one of said plurality of blade servers (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13).

As per claim 10, Garnett discloses the method according to claim 9, wherein said at least one of said plurality of blade servers controlling said steering is a switch [an outgoing packet is transmitted from the processing

cartridge [blade] to the switch] blade (see column 32, line 55 – column 33, line 44 and column 35, line 7 - column 36, line 13).

As per claims 11-20, claims 11-20 are machine-readable claims of method claims 1-10, respectively. They do not teach or further define over the limitation as recited in claims 1-10. Therefore, claims 11-20 are rejected under same scope as discussed in claims 1-10, supra.

As per claims 21-30, claims 21-30 are system claims of method claims 1-10, respectively. They do not teach or further define over the limitation as recited in claims 1-10. Therefore, claims 21-30 are rejected under same scope as discussed in claims 1-10, supra.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO. 892.
 - a. Server blade for performing load-balancing functions by Garnett et al. U.S. Patent Number 7,032,037 B2.
 - b. System management by Garnett et al. U.S. Patent Number 7,158,781 B2.
 - c. Storage aggregator for enhancing virtualization in data storage networks by Pellegrino et al. U.S Patent Number 6,983,303 B2
8. A shortened statutory period for reply to this action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for

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response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKD


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER